

HOUSE BILL 2904

By Warner

AN ACT to amend Chapter 36 of the Private Acts of 1961; as amended by Chapter 185 of the Private Acts of 1984; Chapter 66 of the Private Acts of 1993 and Chapter 156 of the Private Acts of 1996; and any other acts amendatory thereto, relative to the charter of the City of Lewisburg.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 4 of Article I of Chapter 36 of the Private Acts of 1901, as amended by Chapter 185 of the Private Acts of 1984, Chapter 66 of the Private Acts of 1993, and Chapter 156 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by adding the following new subdivisions in subsection (a):

(26) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation, and service of public utilities and telecommunications systems, compel reasonable extensions of facilities for these services and assess fees for the use of, or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivision (8) or (9).

(27) To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers, and drains, within or without the corporate limits, regulate their use within or without the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefore under the provisions provided by the general laws of the state.

(28) To assess, impose, levy, and collect impact fees from new land developments within the municipal limits, provided that the impact fees are limited to the reasonably anticipated costs of public improvements generated by such developments, and provided that the impact fee system and formula are prescribed by ordinance.

SECTION 2. Nothing in this act permits the City of Lewisburg to infringe upon, alter, or impair the function or authority of the Board of Public Utilities of the Lewisburg Electric System, created pursuant to Chapter 287 of the Private Acts of 1951. Specifically, the levying, billing, and collection of fees or assessments shall be handled by the City, not by or through the Lewisburg Electric System. An action by the City that conflicts with the power contract between the Lewisburg Electric System and the Tennessee Valley Authority is void *ab initio*.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Lewisburg. The approval or non-approval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.